

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOVAN SIMON,

Defendant-Appellant.

**SECOND
MOTION FOR EXTENSION
OF BRIEFING SCHEDULE**

14-4341

Simon alleges and would respectfully show as follows:

1. The Briefing Order in this case directs that Simon's Opening Brief and Appendix be served and filed by August 21, 2014.
2. Simon has endeavored in good faith to complete the Opening Brief and Appendix on time.
3. Simon's undersigned attorney did not represent Simon in the proceedings in district court.
4. Since the date of the first Motion for Extension of Briefing Schedule, counsel has had continued difficulty communicating with Simon about the appeal.
5. Simon has called counsel's office several times when counsel was in court or meeting with other clients.
6. For unknown reasons, counsel's staff has had little cooperation from Simon's present institution in scheduling telephone conferences.
7. Simon's present institution has returned mail from counsel to Simon for lack of strict technical compliance with the institution's unpublished inmate mail procedures. This mail included important portions of the district court record which Simon has requested.
8. Counsel's office was finally able to schedule a telephone conference with Simon. Counsel and Simon spoke by phone on the morning of August 14, 2014.

9. Counsel and Simon have now registered with CorrLinks so that they may communicate by email.
10. Counsel has personally spoken with Simon's prison counselor about the strict technical unpublished inmate mail procedures.
11. Counsel has made a good faith effort to correct the communication problems.
12. The district court record contains over 700 pages of transcripts and other documents. Counsel has not had sufficient time to review the record and discuss it with Simon.
13. It has come to counsel's attention that there is a video recording which was introduced into evidence in district court. A copy of the video is necessary for the appeal. Counsel has not yet been able to obtain a copy of the video.
14. Simon's attorney believes that an extension of 30 days, or until September 22, 2014, will be sufficient time to complete the Opening Brief and Appendix.
15. Simon's attorney has consulted with the attorney for the government about this motion. The government's attorney consents to an extension.

Wherefore, Simon prays as follows:

1. For an order of the court extending the briefing schedule in this matter for an additional 30 days, or until September 22, 2014.

s/Andrew Mackenzie
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